

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ENERGY WEST, INC.,)	CASE NO.: 1:09 CV 00591
)	
Plaintiff,)	
)	JUDGE CHRISTOPHER A. BOYKO
v.)	
)	<u>THIRD AGREED MOTION FOR</u>
UNITED STATES POWER FUND, L.P.,)	<u>EXTENSION OF TIME TO RESPOND</u>
)	<u>TO THE COMPLAINT</u>
Defendant.)	

With Plaintiff's consent, Defendant United States Power Fund, L.P. respectfully requests that the Court grant it an additional thirty (30) days in which to respond to the Complaint in this matter, which response would otherwise be due on June 11, 2010, making the new deadline July 12, 2010. The reason for the request is that Defendant and Plaintiff are in settlement negotiations.

Respectfully submitted,

/s John Winship Read

VORYS, SATER, SEYMOUR AND PEASE LLP
John Winship Read (0030827)
Heather M. Lutz (0082237)
2100 One Cleveland Center
1375 East Ninth Street
Cleveland, Ohio 44114-1724
Telephone: (216)479-6100
Facsimile: (216)479-6060
E-mail: jwread@vorys.com
hmlutz@vorys.com

Thomas J. McCormack*
Jay R. Henneberry*
Tamara L. Stevenson*
30 Rockefeller Plaza
New York, New York 10112
Telephone: (212) 408-5100
Facsimile: (212) 541-5369
E-mail: jhenneberry@chadbourne.com
tmccormack@chadbourne.com
tstevenson@chadbourne.com

*Admitted *pro hac vice*

*Attorneys for Defendant
United States Power Fund, L.P.*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was sent via the Court's electronic filing system to all parties of record with the Court on June 9, 2010. Notice of this filing will be served to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ John Winship Read

John Winship Read (0030827)